



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Kris & Ann Kappenman
DOCKET NO.: 09-00121.001-R-1
PARCEL NO.: 09-13-27-376-014

The parties of record before the Property Tax Appeal Board are Kris and Ann Kappenman, the appellants, and the Macon County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Macon County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$12,196
IMPR: \$104,894
TOTAL: \$117,090

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story single family dwelling of brick and vinyl siding exterior construction that contains 3,281 square feet of living area. The dwelling was constructed in 2004. Features of the home include a full unfinished basement, central air conditioning, a fireplace and an attached three-car garage with 900 square feet of building area. The subject has a 20,120 square foot site and is located in Decatur, Long Creek Township, Macon County.

The appellant, Kris Kappenman, appeared before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument the appellants had submitted an appraisal estimating the subject property had a market value of \$270,000 as of January 1, 2010. The appraisal was prepared by David L. Johnson, a State of Illinois Certified Residential Real Estate Appraiser. Mr. Johnson was not present at the hearing.

The appraisal contained a cost approach to value wherein the appraiser estimated the subject property had a site value of \$20,000. The replacement cost new of the improvements was estimated to be \$294,367 using the Marshall & Swift Cost Manual as the source of the cost data. The appraiser estimated the

subject property suffered from 5% or \$14,718 in physical depreciation resulting in a depreciated cost of the improvements of \$279,649. The appraiser added \$2,500 for the value of site improvements and the land value to arrive at an indicated value under the cost approach of \$302,149.

The appraiser also developed the sales comparison approach to value using six comparable sales improved with two-story dwellings that ranged in size from 2,500 to 3,424 square feet of living area. The dwellings were constructed from 1991 to 2009. The comparables were located in Decatur and Mt. Zion from .08 to 2.8 miles from the subject property. Five of the comparables had basements with three having finished area. Each comparable had central air conditioning and one or two fireplaces. Two comparables have two-car attached garages, three comparables have three-car attached garages and one comparable has garage area for 5.5 cars. The comparables have land areas that range in size from 9,600 to 65,340 square feet of land area. The sales occurred from January 2009 to November 2009 for prices ranging from \$185,000 to \$322,000 or from \$71.04 to \$105.16 per square foot of living area, including land. The appraiser made adjustments to the comparables for differences from the subject resulting in adjusted sales prices ranging from \$198,900 to \$302,000. Based on these sales the appraiser estimated the subject had an indicated value under the sales comparison approach of \$270,000.

In reconciling the two approaches the appraiser gave most emphasis to the sales comparison approach and estimated the subject property had a market value of \$270,000 as of January 1, 2010.

At the hearing the appellant was questioned with respect to how the appraiser determined the subject dwelling had 3,049 square feet of living area. He testified the appraiser used interior measurements of the rooms and was not sure whether or not the appraiser used any exterior measurements. Mr. Kappenman testified he did not assist the appraiser in developing the cost approach to value or selecting the sales used in the sales comparison approach to value.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$117,090 was disclosed. The subject's assessment reflects a market value of \$349,627 or \$106.56 per square foot of living area, including land, using the 2009 three year average median level of assessments for Macon County of 33.49%.

In rebuttal the board of review asserted the appellants' appraiser used a majority of sales located in another township. The board of review further stated the comparable sales it selected were located closer to the subject property than those used by the appellant's appraiser.

In its submission the board of review described the subject dwelling as having 3,281 square feet of living area. The board of review also submitted a copy of the subject's property record card which contained a schematic diagram of the dwelling with dimensions. In support of the assessment the board of review provided information on three comparable sales improved with a 1.5-story dwelling, a part two-story and part 1.5-story dwelling and a part 1.5-story and part one-story dwelling that ranged in size from 2,975 to 3,400 square feet of living area. Each comparable has a basement with two being finished. Each comparable also has central air conditioning, one fireplace and an attached garage ranging in size from 792 to 975 square feet of building area. The board of review also described the subject as having a .46 acre site while the comparables had sites ranging in size from .51 to .74 acres. Two of the comparables were located in the subject's subdivision while comparable #3 was located in another subdivision approximately ½ mile from the subject. The sales occurred from July 2008 to August 2009 for prices ranging from \$305,000 to \$412,500 or from \$102.50 to \$121.32 per square foot of living area, including land. The board of review made adjustments to the comparables for differences from the subject resulting in adjusted prices ranging from \$312,680 to \$393,555. Based on this evidence the board of review requested the assessment be confirmed.

Under cross-examination the board of review witness stated that it was the policy in Macon County to use exterior measurements, not interior measurements, to calculate the size of a dwelling.

After hearing the testimony and considering the evidence the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellants contend the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The first issue the Board will address is the size of the subject dwelling. The appellants' appraiser estimated the subject had 3,049 square feet of living area while the board of review estimated the subject had 3,281 square feet of living area. The appraiser was not present to testify how he calculated the size of the subject dwelling. Furthermore, the report did not contain any diagram of the home depicting dimensions used to estimate the size of the dwelling. The board of review submitted a copy of

the subject's property record card containing a schematic diagram of the dwelling with dimensions which the Board finds is the best evidence in this record establishing the size of the subject dwelling. Based on this record the Board finds the subject had 3,281 square feet of living area.

Although the appellants submitted an appraisal in support of their overvaluation argument, the appraiser was not present at the hearing to testify and be cross-examined about his methodology and opinion of value. Without the ability to cross-examine the appraiser, less weight can be given his estimate of value. Additionally, the appraisal had an effective date of January 1, 2010, one year after the assessment date at issue, which further undermines the conclusion of value contained in the appraisal because the estimate is not indicative of market value as of January 1, 2009. As a final point, the Board finds the appraiser used the wrong size in estimating the value of the subject dwelling which also negatively impacts the credibility of the appraisal. The Board further finds that appraisal comparable sale #2 was the best comparable in the appraisal with respect to location near the subject property.

The Board finds the best comparables in the record based on age and location include appraisal comparable sale #2 and the board of review comparable sales. These comparables offered varying degrees of similarity to the subject property. These four sales occurred from July 2008 to November 2009 for prices ranging from \$265,000 to \$412,500 or from \$102.50 to \$121.32 per square foot of living area, including land. The subject's assessment of \$117,090 reflects a market value of \$349,627 or \$106.56 per square foot of living area, including land, using the 2009 three year average median level of assessments for Macon County of 33.49%. The Board finds the subject's assessment reflects a market value at the low end of the range on a square foot basis as established by the best sales in the record. Based on this record the Board finds the subject's assessment was reflective of the property's market value as of January 1, 2009, and a reduction is not justified.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: May 18, 2012

Allen Castrovillari

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.